UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,698	08/05/2003	Donald E. Marigliano	G08.028/U	7559

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>January 18th, 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.
    4a) Of the above claim(s) <u>3</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-37</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Final Office action is in response to the application filed on and August 5th,

2003 and in response to the Applicant's Arguments/Amendment filed on January 18th,

2008. Claims 1- 2 and 4-37 are pending and claim 3 have been cancelled. Claims 1, 4,

6, 8, 10-11, 15 20, 22, 24, 27, 29-30, 32, 34 and 36-37 have been amended.

Response to Arguments

2.   Applicant's arguments, filed January 18th, 2008, are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 4-7, 10, 13-21 and 24-37 are rejected under 35 U.S.C. 102(b) as

being anticipated by US Patent Publication Number 2003/0004853 to Ram et. al

(hereinafter Ram).

> As per claims 1, 15 and 24
> Ram discloses presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and presenting an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.
> Ram further discloses selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option

order corresponding to the selected option quote (Figure 12). Examiner notes that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128. Examiner further notes that applicant is correct in saying that a display at a trader's location will display data for a selected security and the displayed data will be displayed in a tab set, however examiner further asserts that this information is not solely in tabs 120 or 124 but also in tab 128. Therefore, by selecting a security data is populated (value/bid/ask/last/change/high/low, etc.) that facilitates the ordering of securities. Finally examiner asserts that Ram (Figure 12: 128) thus does disclose displaying a plurality of data and populating data in an appropriate input area of an order entry area.

As per claims 2 and 16
Ram discloses receiving an instruction to place the two or more option orders and placing the two option orders (page 10, paragraph [0187]).

As per claim 4, 14, 18, 26 and 31
Ram discloses receiving a selection of a second one of the presented plurality of option quotes (Level I data) (page 3, paragraphs [0042-0043]) and presenting details of a second option order corresponding to the second selected option quote in second appropriate input areas of the order entry area (Figure 16). Examiner notes that receiving and presenting option quote details is a process that can be repeated for multiple option orders by changing the symbol which updates the data chosen from the market order entry tab.

As per claims 5 and 19
Ram discloses receiving a number of option quotes to present in at least one of the at least one option quote area and presenting the number of option quotes in the at least one of the at least one option quote area (page 9, paragraph [0178], lines 1-8).

As per claims 6, 20, 27, 32 and 37
Ram discloses receiving a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area and presenting option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area (Figure 46: 344a-f & page 16, paragraph [0291]).

As per claims 7, 21, 28 and 33
Ram discloses the particular strike price is equal to a current price of a security underlying the option (page 16, paragraph [0291], lines 9-11). Examiner notes that since the strike price is user configurable, the strike can be easily adjusted to equate the current price.
As per claim 10

Ram discloses presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and a control usable to specify a number of strike prices above and/or below a particular option strike price for which associated option quotes should be presented in at least one of the at least one order entry area (page 16, paragraph [0291]). Examiner notes that since the strike price is user configurable, the strike can be easily adjusted to specify a number of strike prices above and/or below a particular option strike price.

Ram further discloses selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Figure 12). Examiner notes that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128. Examiner further notes that applicant is correct in saying that a display at a trader's location will display data for a selected security and the displayed data will be displayed in a tab set, however examiner further asserts that this information is not solely in tabs 120 or 124 but also in tab 128. Therefore, by selecting a security data is populated (value/bid/ask/last/change/high/low, etc.) that facilitates the ordering of securities. Finally examiner asserts that Ram (Figure 12: 128) thus does disclose displaying a plurality of data and populating data in an appropriate input area of an order entry area.

As per claim 13
Ram discloses an order entry area comprising input areas for inputting two or more option orders (Figure 16). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.

As per claims 17, 25 and 35
Ram discloses receiving a selection of one of the presented plurality of option quotes (Level I data) (page 3, paragraphs [0042-0043]) and presenting details of an option order corresponding to the selected option quote in appropriate input areas of the order entry area (Figure 16).

As per claim 29
Ram discloses a processor and a storage device in communication with said processor and storing instructions adapted to be executed by said processor (page 1, paragraph [0009] and page 9, paragraph [0182]) to present at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and present an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.

Ram further discloses selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Figure 12). Examiner notes that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128. Examiner further notes that applicant is correct in saying that a display

at a trader's location will display data for a selected security and the displayed data will be displayed in a tab set, however examiner further asserts that this information is not solely in tabs 120 or 124 but also in tab 128. Therefore, by selecting a security data is populated (value/bid/ask/last/change/high/low, etc.) that facilitates the ordering of securities. Finally examiner asserts that Ram (Figure 12: 128) thus does disclose displaying a plurality of data and populating data in an appropriate input area of an order entry area.

As per claim 30
Ram discloses receiving a selection of one of the presented plurality of option quotes (Level I data) (page 3, paragraphs [0042-0043]).

As per claim 34
Ram discloses an option (page 2, paragraph [0028]) server for receiving option quote information and for transmitting option quote information and a client device for receiving option quote information from the option server (page 9, paragraph [0178]), for presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and presenting an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.
Ram further discloses selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Figure 12). Examiner notes that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128. Examiner further notes that applicant is correct in saying that a display at a trader's location will display data for a selected security and the displayed data will be displayed in a tab set, however examiner further asserts that this information is not solely in tabs 120 or 124 but also in tab 128. Therefore, by selecting a security data is populated (value/bid/ask/last/change/high/low, etc.) that facilitates the ordering of securities. Finally examiner asserts that Ram (Figure 12: 128) thus does disclose displaying a plurality of data and populating data in an appropriate input area of an order entry area.

As per claim 36
Ram discloses receiving a number of option quotes to present in at least one of the at least one option quote area and (page 9, paragraph [0178], lines 1-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 8-9, 11-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent Publication Number 2003/0004853 to Ram et. al

(hereinafter Ram) in view of US Patent Number 6,876,981 to Berckmans (hereinafter

Berckmans) further in view of Official Notice.

As per claims 8, 11 and 22
Ram discloses using color indicators for differentiating types of order data (page 4, paragraph [0060] and page 13, paragraph [0235]).
Ram does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and presenting the option quote in association with the color.
Berchmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that this could be easily adapted to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color.
Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color as taught by Berchmans to simplify the perception and processing of displayed financial data.
The combination of Ram and Berchmans does not specifically teach a plurality of brightness levels of a color.
Official Notice is taken that it is old and well known within the art to determine a brightness level of color for ease of perception and processing of displayed information. Humans perceive different shades/brightness levels of colors as separate "colors" all together (lime green vs. hunter green, sky blue vs. navy blue, etc.). Examiner notes that different brightness levels of colors are thus perceived as different "colors" all together.
Therefore it would have been obvious to one skilled in the art at the time of invention to modify the color based financial visual data of the combination of Ram and Berchmans to include a plurality of brightness levels of color to add a complexity of perceptible information available visually.

As per claims 9, 12 and 23

Ram discloses using color indicators for differentiating types of order data (page 4, paragraph [0060] and page 13, paragraph [0235]). Ram also discloses determining an option exchange (NASDAQ) associated with an option quote (page 11, paragraph [0204]).

Ram does not specifically teach determining a color associated with the option exchange and presenting the option quote in association with the color.

Berchmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that this could be easily adapted to determine a color associated with the option exchange and present the option quote in association with the color.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color associated with the option exchange and present the option quote in association with the color as taught by Berchmans to simplify the perception and processing of displayed financial data.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JESSICA L. LEMIEUX whose telephone number is

(571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-

5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/   Jessica L Lemieux
Supervisory Patent Examiner, Art Unit 3693   Examiner
                                                         Art Unit 3693

/J. L. L./
Examiner, Art Unit 3693
March 2008